THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.2470 OF 2006

Dated: 10-02-2006

Between

Kurella Padma Reddy Educational Society

Having its registered office at 2-87,

Post-Thimmareddipalli, Mandal – Kondapaka,

Medak District, rep. by its Chairman &

Correspondent, Mr. K. Ravinder Reddy,

S/o. late Padma Reddy, Occ: Business,

R/o. Sneha Enclave, Doutan, Macha Bollaram,

Secunderabad.

…PETITIONER

AND

The Municipal Corporation of Hyderabad,

Rep. By its Commissioner, Lower Tank

Bund Road, Hyderabad.

…RESPONDENT

ORDER:

This writ petition is filed to declare the action of the respondent corporation in proposing to demolish the building bearing Municipal Number 7-1-621/289/F/1, Datha Mansion, S.R. Nagar, Hyderabad without issuing any notice, without payment of any compensation and without initiating any action under the provisions of the Hyderabad Municipal Corporation Act, 1955 or under the provisions of the Land Acquisition Act as illegal, arbitrary and violative of principles of natural justice.

It is stated that the petitioner-society was established in year 1991 and its main aims and objectives being the promotion of education, the society has taken the premises bearing Municipal
No.7-1-621/289/F/1, Datha Mansion, S.R.Nagar, Hyderabad on lease in the year 1993 from its owners Mr. K. Sitaram Reddy and others.

The petitioner-society occupied the part of the ground floor and the entire 1st and 2nd floors of the said building and running colleges in the said building without any blemish on its part and imparting education.

It is stated that while the matter stood thus, the officials of the respondent – corporation have put markings for the purpose of demolition of the building under the road widening process. On the southern side of the building, the officials have put 37 feet and on the northern side 48 feet have been earmarked for demolition.

The main grievance of the petitioner-society is that the respondent corporation has not issued any notice before deciding to demolish the said building and they are trying to demolish the building for the purpose of widening the road without acquiring the property as contemplated under Chapter V of Hyderabad Municipal Corporation Act or under Land Acquisition Act, without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act is utter violation of the principles of natural justice as well as Sections 146 and 147 of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act').

No doubt widening/laying of the road is in the public interest. While laying the road, if any

property of private individual is coming in the way, it is for the respondent to acquire the same either by way of initiating land acquisition proceedings or by following due process of law.

Having regard to the facts and circumstances of the case,
the respondent corporation is directed not to demolish the structures or take away any portion of the property of the petitioner-society without following due process of law either under Sections 146 or under 147 of the Act by private negotiations or initiating the proceedings under the Land Acquisition Act, 1894.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

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V. ESWARAIAH, J

February 10, 2006

DSK